

ECA Competition Law Compliance policy

Updated in October 2026

I- POLICY AND PURPOSE

It is the policy and practice of the ECA to conduct all of its activities and meetings (including breaks, events, dinners, calls, or messaging) in strict compliance with applicable laws. Because ECA members have both competitors as well as customers within the membership, it is important to comply fully with European competition laws and the competition laws of any of the countries in which ECA members are active.

These competition laws seek to preserve and promote free and open competition and to deter anticompetitive conduct.

The following subjects shall NOT be discussed in any manner by ECA members:

- Member or non-member competitors' **past, current, or future prices or pricing policy;**
- Other than in the context of a customary commercial supplier-customer relationship, **any price-affecting term**, such as payment terms, discounts, rebates, credit terms or other commercial terms and conditions;
- Any other commercially **sensitive information** such as costs, profit margins, and market shares;
- **Allocation, division, or "rationalization" of territories, markets or customers;**
- **Boycotts or agreements** not to deal with competitors, customers, or suppliers;
- **Current production capacities or production levels or intentions** with regard to changes in production capacity or production levels.

II- CONSEQUENCES OF NON-COMPLIANCE

For ECA:

- Significant fines – potentially calculated by reference to members' turnover
- Disruption to ECA activities
- Reputational damage and loss of credibility

For Members' companies:

- Direct fines of up to 10% of worldwide group turnover under EU rules
- Costly and intrusive investigations
- Civil damages claims and reputational damage

For individual participants:

- Personal liability, including fines or criminal sanctions in certain jurisdictions
- Significant professional and reputational consequences

It is therefore important for everyone participating in ECA activities to strictly comply with this policy and to avoid the appearance of improper conduct.

Generally lower risk topics:

- Legislation, regulation and public-policy issues
- Public or genuinely industry-wide information
- Non-confidential technical, health, safety or environmental best practices
- Administrative matters necessary for Association work

III – OPERATIONAL MEASURES TO IMPLEMENT THIS POLICY

All participants in an ECA meeting have the responsibility to follow the ECA Competition Law Compliance Policy. Consequently, participants must act accordingly in the event of a potential breach and flag this concern immediately.

Measures before meetings:

- A detailed agenda will be circulated in advance. For the Board and General Members meetings, the draft agendas will be approved by the ECA lawyer.
- Potentially sensitive items would need to be flagged and concerns shared with the ECA Secretariat.

Measures during meetings:

- At the start of all ECA meetings, the ECA Competition Law Compliance Statement will be read out.
- The agenda of the meeting will be followed, side or parallel discussions on sensitive measures must be avoided.
- In case the discussions drifts into sensitive territory, it is the responsibility of every participant to the meeting to ask for this discussion to be stopped. In case this discussion would continue, then it is advised to leave the meeting and seek legal guidance.

Measures after meetings:

- Minutes must accurately reflect the matters discussed as well as actions or decisions taken.
- The draft minutes will be approved by the ECA Lawyer.
- Any inaccuracy or incomplete record in the minutes will be corrected promptly.
